

IN THE UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
THE AUGUSTA DIV.

2015 MAY 26 PM 5:01

CLERK *[Signature]*
SO. DIST. OF GA.

HEALTHCARE SERVICES
GROUP, INC.,

Plaintiff,

v.

CV 314-001

LOWER OCONEE COMMUNITY
HOSPITAL, INC.,

Defendant.

O R D E R

Before the Court is Plaintiff's renewed motion for summary judgment. (Doc. no. 32.) Defendant's deadline to respond was May 7, 2015. (Doc. no. 33.) Defendant has not responded. For the reasons stated herein, Plaintiff's renewed motion for summary judgment is **GRANTED**.

On January 3, 2014, Plaintiff filed suit alleging that Defendant breached two contracts providing for certain services at Defendant's hospital. On March 25, 2014, Plaintiff moved for summary judgment for the amount of damages. (Doc. no. 14.) On April 1, 2014, Defendant sought leave to amend its answer to Plaintiff's complaint. (Doc. no. 16.) On May 8, 2014, the Court terminated Plaintiff's motion for summary judgment without prejudice and granted Defendant's motion for leave to amend its answer. (Doc. no.

21.) On May 21, 2014, Defendant filed an amended answer to Plaintiff's complaint. (Doc. no. 23.)

On April 13, 2015, Plaintiff filed a renewed motion for summary judgment. (Doc. no. 32.) Plaintiff's theory of the case is as follows:

[Defendant's] new management apparently had inadequate information as to the outstanding liabilities owed by the company to [Plaintiff] when it acquired the same, either as a result of inadequate disclosure from the prior owners or inadequate due diligence prior to purchasing the facility. Regardless, [Plaintiff] is entitled to be paid what it is due.

(Id.) The amount due, Plaintiff alleges, is \$155,701.05. This sum includes:

- (1) the principle amount due of \$126,343.14;
- (2) attorneys' fees, as expected through summary judgment, in the amount of \$26,299.00;
- (3) costs of \$2,058.91; and
- (4) an additional \$1,000.00 in attorneys' fees that Plaintiff estimates it will incur to obtain summary judgment in this matter.

(Id.) Plaintiff submits a deposition, two affidavits, and forty-three pages of documents in support of its claim for damages. Plaintiff served a copy of the motion upon Defendant by using the Court's CM/ECF system, and mailed a copy to Defendant's counsel and Defendant's counsel's law partner.

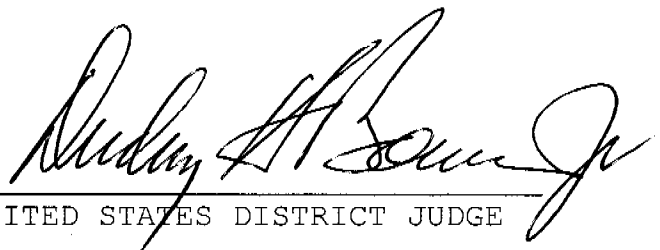
(Id.)

The Clerk then notified Defendant, through counsel, of Plaintiff's motion for summary judgment and the summary

judgment rules, of the right to file affidavits or other materials in opposition, and of the consequences of default. (Doc. no. 33.) Specifically, the Court stated that "[i]f you do not timely respond to this motion for summary judgment, the consequence may be that the Court will deem the motion unopposed and the Court may enter judgment against you." Id. On April 15, 2015, due to Defendant's counsel's unusual circumstances, the Court notified Defendant directly that Plaintiff filed a motion for summary judgment. (Doc. no. 34.) The Court advised Defendant that a response to the motion was due on or before May 7, 2015. Neither Defendant nor Defendant's counsel has responded. Upon due consideration, the Court deems Plaintiff's renewed motion for summary judgment as unopposed.

IT IS HEREBY ORDERED that Plaintiff's renewed motion for summary judgment (doc. no. 32) is **GRANTED**. The Clerk is directed to enter final judgment against Defendant in the amount of \$155,701.05, and **CLOSE** this case. Costs are taxed in favor of Plaintiff and against Defendant.

ORDER ENTERED at Augusta, Georgia, this 25th day of May, 2015.


UNITED STATES DISTRICT JUDGE